

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT of INDIANA  
Case No. 1:22-cv-1993-TWP-MJD

**FILED**

**11/12/2022**

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
Roger A.G. Sharpe, Clerk

JOEY KIMBROUGH,  
Plaintiff,

v.

AMERICAN EXPRESS COMPANY AKA  
AMERICAN EXPRESS NATIONAL  
BANK;

and

TRANS UNION LLC (*settled and  
dismissed*)

Defendants.

Honorable Tanya Walton Pratt

Magistrate Judge Mark J. Dinsmore

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**REQUEST FOR ENTRY OF DEFAULT AND MOTION FOR ENTRY OF  
JUDGMENT AS TO DEFENDANT AMERICAN EXPRESS COMPANY AKA  
AMERICAN EXPRESS NATIONAL BANK**

COMES NOW, Plaintiff JOEY KIMBROUGH, Pro Se, pursuant to Federal Rule of Civil Procedure 55(a) *Entering A Default* and 55(b) *Entering a Default Judgment*. (2) *By the Clerk*, and hereby files this *REQUEST FOR ENTRY OF DEFAULT AND MOTION FOR ENTRY OF JUDGMENT AS TO DEFENDANT AMERICAN EXPRESS COMPANY AKA AMERICAN EXPRESS NATIONAL BANK* (hereafter, collectively “Defendant”) in the Cause captioned above, in support thereof, would show this honorable court the following:

1. Plaintiff filed a complaint, civil cover sheet, and proposed summons, with this Court, on 10/7/2022 against Defendant.
2. Summons was issued by the Court on 10/11/2022 as to Defendant and Trans Union LLC.
3. Plaintiff filed *Notice of Service of Process* with the Clerk on 10/20/2022 (dkt. 6). The Notice indicated all parties were served by USPS certified mail signature required on 10/17/2022. Attached to the Notice was an Affidavit of Service of Process showing the signature of Lisa Kimbrough. Lisa Kimbrough is an adult, over the age of 18, and not a party to this case as required by Federal Rules of Civil Procedure.
4. On 10/21/2022 Plaintiff filed a *Stipulation of Dismissal* as to Trans Union LLC ONLY with the Clerk of this Court along with a Proposed Order for the same.
5. On 10/24/2022 the Honorable Judge Tanya Walton Pratt signed the Order of Dismissal as to Trans Union LLC ONLY.
6. Defendant was served and signed for the Summons and Complaint on 10/17/2022.
7. Plaintiff alleges the Summons that Defendant signed for on 10/17/2022 clearly stated the 20 days of statutory timing pursuant to Fed. Civ. Rule 6 that Defendant had to answer the Complaint.

8. Plaintiff alleges that even if the Court were to extend the timing by three (3) days due to the Complaint being delivered by mail that would give the Defendant twenty-three (23) days to file an answer to Plaintiff's Complaint.
9. Plaintiff alleges that as of November 12<sup>th</sup> (not counting the day Complaint was delivered) twenty-six (26) days have passed.
10. Plaintiff alleges that Defendant is not an individual and is, therefore, not capable of being engaged in any branch of the military or naval service of the United States of America.
11. Plaintiff alleges that Defendant is not an individual and is, therefore, not capable of being an infant or incompetent person.
12. Defendant has not asked this Court for an enlargement of time or otherwise made an appearance in this Court to answer Plaintiff's Complaint.
13. Defendant has Defaulted.
14. The Affidavit of Plaintiff JOEY KIMBROUGH, for Statutory and Actual Damages, is attached hereto as **Exhibit A** which sets forth the financial losses as outlined in the Complaint.

**WHEREFORE**, Joey Kimbrough requests default be entered against the Defendant, AMERICAN EXPRESS COMPANY AKA AMERICAN EXPRESS NATIONAL BANK ("AMEX"), and prays the Court will enter default judgment, as follows:

- A. For preliminary and permanent injunctive relief to stop Defendant from engaging in the conduct described in Plaintiff's Complaint;
- B. For Statutory and Actual damages pursuant to 15 U.S.C. § 1681(n);
- C. For punitive damages in order to deter further unlawful conduct pursuant to 15 U.S.C. § 1681(n);
- D. For attorney's fees and costs of suit incurred herein pursuant to 15 U.S.C. §§ 1681(n) and 1681(o);
- E. For an Order pursuant to Federal Civil Rule 55(b)(2) to the Clerk of the Court to enter default judgment in favor of the Plaintiff and against the Defendant in an amount of **\$5,103,410.00** as outlined in Plaintiff's attached Affidavit;
- F. For determination by the Court that Defendant's policies and practices are unlawful and in willful violation of 15 U.S.C. § 1681(n), *et seq.*; and
- G. For determination by the Court that Defendant's policies and practices are unlawful and in negligent violation of 15 U.S.C. § 1681(o).

Respectfully Submitted,

/s/ Joey Kimbrough  
Joey Kimbrough, Plaintiff  
1712 Candy Court South  
Kokomo, IN 46902  
(765) 437-8451

**Certificate of Service**

I hereby certify that on November 12<sup>th</sup>, 2022, I electronically filed the foregoing with the Clerk of the Court by email with attachments as is required by the Court.

Respectfully Submitted,  
/s/ Joey Kimbrough